

Appl. No. 09/746,423

**REMARKS/ARGUMENTS**

Attached to the Notice of Allowance was an Examiner's Amendment which, regrettably, is not acceptable to Applicant.

The Examiner's amendment indicates that authorization for the amendment was given in a telephone interview with James McGraw on 10/28/04. With respect, the Examiner is mistaken. In fact, in discussing the proposed amendment with the Examiner, Mr. McGraw explicitly stated that he could not authorize the amendment principally because he was not sufficiently familiar with the subject matter of the application and that he would ensure that his colleague, John Haley, who drafted the application and was very familiar with it, would telephone the Examiner as soon as possible. Mr. Haley did, in fact, telephone the Examiner on November 1, 2004 to propose a specific amendment but he was told by the Examiner that it was too late as the Examiner had already disposed of the case. Mr. Haley was under the impression that a further Office Action would issue but, of course, a Notice of Allowance issued.

In any event, the amendment now proposed deals with the alleged antecedent problem in regard to the expression "the synchronization symbols" in each of claims 4 and 9.

The Examiner's amendment left the impression that each superframe comprises a plurality of DMT data symbols and synchronization symbols but, in fact, each superframe comprises a plurality of DMT data symbols and only one synchronization symbol. Accordingly, Applicant has revised the preamble of claims 4 and 9 to revert to the original preamble. In order to deal with the antecedent problem later on in the claim, an amendment is being proposed which makes it clear that the synchronization symbols arise from successive superframes.

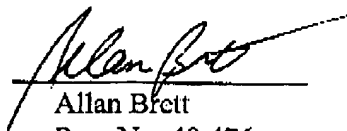
Appl. No. 09/746,423

Favourable consideration is requested.

Respectfully submitted,

MICHAEL J. WINGROVE

By



Allan Brett

Reg. No. 40,476

Tel.: 613 232 2486 ext 323

Date: December 30, 2004

RAB//wfs